

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HANCEL ZAGAL-ALCARAZ,

Petitioner,

Case No. 3:19-cv-01358-SB

v.

ICE FIELD OFFICE DIRECTOR,

OPINION AND ORDER

Respondent.

MOSMAN, J.,

On March 25, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 30], recommending that I grant Petitioner Hancel Zagal-Alcaraz’s Petition for Writ of Habeas Corpus [ECF 1] and order that he be provided with a constitutionally compliant bond hearing within thirty days. No objections were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*


Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Beckerman's analysis and conclusions. Therefore, I ADOPT her F&R [30] in full. Respondent is ORDERED to present Mr. Zagal-Alcaraz for a constitutionally compliant bond hearing within thirty (30) days from the date of this order.

IT IS SO ORDERED.

DATED this 13 day of April, 2020.


MICHAEL W. MOSMAN
United States District Judge